

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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:  
MINHYE PARK, :  
:  
Plaintiff, : 17-CV-5137 (BMC) (LB)  
:  
: December 20, 2019  
:  
V. : Brooklyn, New York  
:  
DAVID DENNIS KIM, :  
:  
Defendant. :  
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TRANSCRIPT OF CIVIL CAUSE FOR STATUS CONFERENCE  
BEFORE THE HONORABLE LOIS BLOOM  
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For the Plaintiff: JAE SOOG LEE, ESQ.  
Jsl Law Offices, P.C.  
626 Rxr Plaza  
Uniondale, NY 11358

For the Defendant: HAYLEY B. NEWMAN, ESQ.  
Heidell, Pittoni, Murphy &  
Bach, LLP  
99 Park Avenue  
New York, NY 10016

Court Transcriber: ARIA SERVICES, INC.  
c/o Elizabeth Barron  
102 Sparrow Ridge Road  
Carmel, NY 10512  
Aria@leinen.net

Proceedings recorded by electronic sound recording,  
transcript produced by transcription service

1 THE CLERK: Civil cause for telephone status  
2 conference, docket number 20-CV-2636, Park v. Kim.

3 Will the parties please state your names for  
4 the record.

5 MS. LEE: J.S. Lee from JSL Law Offices for  
6 plaintiff.

7 MS. NEWMAN: Hayley Newman from Heidell,  
8 Pittoni, Murphy & Bach for defendant Dr. Kim.

9 THE CLERK: The Honorable Lois Bloom  
10 presiding.

11 THE COURT: Good morning, Ms. Lee and Ms.  
12 Newman. This is a telephone conference in plaintiff's  
13 medical malpractice case, in which he alleges that  
14 defendant, who is a doctor, committed malpractice by  
15 failing to remove her fetus during a medical procedure.  
16 I last spoke to the parties on December 22<sup>nd</sup>, 2020 and  
17 at that time, I ordered the parties to complete all  
18 discovery by June 15<sup>th</sup> and that any party seeking to  
19 file a dispositive motion should request a pre-motion  
20 conference by June 29<sup>th</sup>.

21 On June 2<sup>nd</sup>, I granted the parties an  
22 extension of time to complete all discovery by  
23 September 30<sup>th</sup> and that any request for a pre-motion  
24 conference should be made to Judge Chen in accordance  
25 with her rules by October 15<sup>th</sup>. After I granted that

1 extension request, on July 16<sup>th</sup>, I received a motion to  
2 compel, and the motion to compel is by defendants to  
3 compel plaintiff to produce documents and responses.  
4 I've now received plaintiff's objections to that, and I  
5 have to say this case is a mess. I really don't  
6 understand what is going on here.

7 Ms. Lee, has there been any progress on  
8 discovery since the motion to compel was filed?

9 MS. LEE: Yes, your Honor. For plaintiff  
10 (ui) all authorizations on February 9<sup>th</sup>, 2021, and  
11 defendant asked again so we provided twice. Now,  
12 defendant asks the plaintiff to provide the insurance  
13 records of her whole life but we already --

14 THE COURT: Ms. Lee, did you hear what my  
15 question was? My question was, since the motion was  
16 filed, has there been any progress. I did not ask you  
17 what happened before they filed the motion to compel,  
18 I'm asking since they filed it, has there been any  
19 progress?

20 MS. LEE: Your Honor, because the plaintiff  
21 did whatever defendant asked, so at this moment, I  
22 don't believe we need to provide more. That's the  
23 plaintiff's position, your Honor.

24 THE COURT: So, Ms. Newman, has there been  
25 any progress on discovery since filing the motion to

1 compel?

2 MS. NEWMAN: None.

3 THE COURT: They're saying they filed --  
4 that they gave you authorizations back in February.

5 MS. NEWMAN: Correct.

6 THE COURT: What is going on with the  
7 documents that you're trying to get from plaintiff's  
8 counsel?

9 MS. NEWMAN: Well, unfortunately, the  
10 providers are all located in South Korea, and our firm  
11 generally works with third parties that exclusively  
12 process authorizations on our behalf to try to get  
13 these records. And the third party advised my  
14 paralegal that no one is returning their calls  
15 specifically at the collateral source provider in South  
16 Korea. I then had my own paralegal try to reach out to  
17 them and she was unsuccessful, too. We just don't know  
18 how to obtain these records beyond sending letters and  
19 making phone calls, and those efforts have been ongoing  
20 for over a year and have been unproductive,  
21 unfortunately. I don't --

22 THE COURT: Let me be straight with you, Ms.  
23 Lee. How are you going to prove that this medical  
24 procedure did not remove the fetus if you don't get the  
25 medical records from Korea for your client?

1 MS. LEE: Yes, your Honor. We have already  
2 proved by defendant's medical records December 13<sup>th</sup>,  
3 2017. Defendant clearly noted the fetus that present  
4 alive (sic). Then also, after that --

5 THE COURT: Ms. Lee, Ms. Lee.

6 MS. LEE: Yes.

7 THE COURT: You are objecting to getting any  
8 of the medical records from Korea.

9 MS. LEE: No, your Honor.

10 THE COURT: You have to prove that the  
11 doctor here failed to remove the fetus as expected.

12 MS. LEE: Yes, your Honor. So we prove and  
13 provided the two (ui) in South Korea. They are  
14 medical --

15 THE COURT: The two what? I can't --

16 MS. LEE: Two physicians, their medical  
17 records. We provided all medical records to the  
18 defendant. Those medical records revealed the fetus  
19 was alive after the surgery. So we have three medical  
20 -- three doctors to prove the fetus was alive after  
21 surgery.

22 THE COURT: Again, I'm looking at the  
23 records that were attached to document 19. Is that  
24 what you're thinking proves that your client --

25 MS. LEE: Your Honor, the plaintiff filed

1 the letter motion that all documentation provided  
2 there. That is all medical records of defendant Dr.  
3 Kim and two doctors from South Korea, which is (ui).  
4 We (ui) medical documents (ui).

5 THE COURT: Ms. Newman?

6 MS. NEWMAN: Yes, your Honor. She did  
7 produce records from these two providers. This was  
8 discussed back at the conference in December because  
9 the records should produced did not include an actual  
10 procedure note of a second abortion. This is something  
11 we talked about at the last conference, you know.  
12 We're not contesting that she didn't produce these  
13 records, we're just saying that we need more. First of  
14 all, there's an informed consent issue, which is why we  
15 wanted the collateral source records in part, because  
16 this patient had two prior abortions and her knowledge  
17 of the procedure before the abortion with Dr. Kim is  
18 obviously relevant to what she knew going into the  
19 procedure.

20 Also, what types of abortions were performed  
21 before Dr. Kim is medical relevant, and our expert has  
22 asked us to try and get those records as part of her  
23 review. I don't even know what authorizations to  
24 demand because we don't know where those procedures  
25 were performed or who performed them.

1 MS. LEE: Your Honor, if defendants now are  
2 asking to provide a (ui) insurance record of  
3 plaintiff's whole life. (Ui) two abortions --

4 THE COURT: Again, Ms. Lee.

5 MS. LEE: Yes.

6 THE COURT: Your client is the one bringing  
7 the case.

8 MS. LEE: Yes.

9 THE COURT: Your client has had two prior  
10 procedures that may have bearing on what happened in  
11 this case.

12 MS. LEE: Your Honor --

13 THE COURT: So talking about -- excuse me.  
14 Do not talk over me.

15 MS. LEE: Yes.

16 THE COURT: Talking about that you've given  
17 her everything, you have not given her everything. You  
18 have not given her the records that she did talk to the  
19 Court about back in December. And in December, we  
20 talked about needing those records and if you're not  
21 going to help provide those records, then again, your  
22 client is going to have a problem maintaining this  
23 malpractice case.

24 In December, December 22<sup>nd</sup>, I held a  
25 conference. Defense counsel stated they had only

1 gotten some of the records and they had outlined what  
2 has still to be provided. Plaintiff says they  
3 responded to everything, and I ruled that defendant was  
4 entitled to get those medical records and that the  
5 prior abortion was something that they were able to  
6 discover records about. Again, the documents regarding  
7 the second abortion that your client is saying she was  
8 caused to suffer in Korea, she needs to get those  
9 records. There is nothing in the records that have  
10 already been produced that says that she had an  
11 abortion in Korea, and it's not acceptable -- I said  
12 this to you before -- to say that your client doesn't  
13 want to turn over the records. This is her case and if  
14 she's not going to turn over these records, then you're  
15 not going to be able to prove a malpractice claim  
16 against this doctor in this Court.

17 MS. LEE: Your Honor, may I interrupt you?

18 THE COURT: What do you want to say?

19 MS. LEE: The second abortion was, after Dr.  
20 Kim failed to remove the fetus, then plaintiff went to  
21 South Korea and she got second abortion. That record  
22 plaintiff provided to defendant. Even after that,  
23 defense counsel asked everything. So we provided again  
24 the ultrasound DVD, we provided everything.

25 THE COURT: Again, Ms. Lee, you did not



1 provide everything. Saying that you provided  
2 everything -- again, that you provided an ultrasound  
3 but they asked specifically --

4 Ms. Newman, what is the name of the  
5 procedure sheet that you needed?

6 MS. NEWMAN: It would be an operative report  
7 or a procedure report that describes the technique and  
8 what was done, whether it was a dilation and curettage,  
9 a dilation and evacuation, the steps to prepare the  
10 patient, what tools or instruments were used, the  
11 outcome of the procedure. There might be anesthesia  
12 notes because generally, this procedure is performed  
13 under anesthesia. So I'm really looking for the  
14 equivalent of an operative report and any other medical  
15 records that were maintained at that time by the  
16 anesthesiologist.

17 THE COURT: Ms. Newman --

18 MS. LEE: Your Honor --

19 THE COURT: Excuse me, Ms. Lee.

20 MS. LEE: Yes.

21 THE COURT: Ms. Lee is saying that she gave  
22 you the ultrasound. Can you place on the record what  
23 she has given you and why that is or is not what you've  
24 been asking for?

25 MS. NEWMAN: She gave us a copy of records

1 from two subsequent providers in Korea. There are  
2 pictures, ultrasound pictures included in those  
3 records. There is no note or second procedure note of  
4 a second abortion, which was discussed in December.  
5 Then after that conference, at some point in time, I  
6 received a one-page piece of paper in Korean, which I  
7 then paid to have a Korean translator, a certified  
8 Korean translator translate into English, an unsigned  
9 document that says that name of the patient and that a  
10 dilation and curettage was performed. It's like a one-  
11 sentence piece of paper that could have honestly been  
12 written by anyone. It's not an operative report, it's  
13 not a medical record.

14 MS. LEE: Your Honor, we (ui) the doctor as  
15 well to doctors in South Korea. Whatever they have is  
16 all records, anything they provided to us, and we  
17 forwarded it to defendant. I want to make sure. So  
18 now the defendant want to have all medical records  
19 after Dr. Kim's failure or ten years before the  
20 plaintiff's abortion. (Ui) 15 years, when she was a  
21 teenager. That is the only one. If the defendant  
22 asking the plaintiff's abortion for teenager from now  
23 for 15 years ago, the plaintiff even did not remember  
24 the place or the name of the clinic because at the  
25 time, her boyfriend brought her to a clinic. Nobody

1 knows -- she cannot remember right now, then how could  
2 (sic)? The second thing is, if Dr. Kim -- the prior  
3 abortion ten years ago, it is important and necessary  
4 to her abortion surgery, Dr. Kim should ask her before  
5 surgery. When was it, where was it?

6 THE COURT: Ms. Lee, Ms. Lee, Ms. Lee.

7 MS. LEE: Yes.

8 THE COURT: Your argument that if it was  
9 important for Dr. Park to know about prior abortions,  
10 he should have asked before he performed this  
11 procedure, that is not a winning argument when you're  
12 bringing a federal malpractice lawsuit, okay?

13 MS. LEE: Your Honor, the doctor said --

14 THE COURT: Ms. Lee, Ms. Lee.

15 MS. LEE: Yes.

16 THE COURT: If you keep interrupting me, I  
17 am going to not accept you to appear by phone. It is  
18 not okay to keep interrupting me. Do you understand?

19 MS. LEE: Yes.

20 THE COURT: So your client has decided to  
21 bring this lawsuit. I understand that you are saying  
22 she doesn't remember the name of the prior abortion  
23 provider, so we can't get those records, which I  
24 imagine is why defendant's counsel is asking for the  
25 insurance records, because perhaps those insurance

1 records would show who the prior doctors were.

2 Is that the reason why you're asking for the  
3 collateral source information from her insurer, Ms.  
4 Newman?

5 MS. NEWMAN: Correct.

6 THE COURT: So, Ms. Lee, when you bring a  
7 medical case against a doctor, yes, there are many  
8 questions that are going to be asked of the plaintiff.  
9 And that the plaintiff lives in Korea does not change  
10 what the questions that need to be answered are. So if  
11 she's not able to remember who gave her these prior  
12 procedures, they should be able to get information from  
13 her insurer.

14 It doesn't mean, Ms. Newman, that that will  
15 necessarily be reflected there, and I would like to  
16 limit the temporal scope of what you're asking for.

17 MS. NEWMAN: Okay, I understand that.

18 MS. LEE: Your Honor?

19 MS. NEWMAN: I can make a diligent effort.

20 She explained the reasoning as to why she doesn't  
21 remember the name and location of one of the two  
22 abortions but Dr. Kim's records indicate she reported  
23 she had two. I don't know when the other one happened.  
24 Two prior.

25 MS. LEE: Your Honor, if I may interrupt

1 here. Defense counsel keeps saying two abortions,  
2 prior two abortions. No, that's not correct. It's  
3 only one, and defense counsel asked -- demanded her  
4 medical records. That is a violation of plaintiff's  
5 privacy.

6 THE COURT: No, it is not. It is not. Ms.  
7 Lee, that argument is a losing argument. Your client  
8 is bringing this lawsuit. So to the extent that she  
9 has chosen to bring this lawsuit, it is a losing  
10 argument for her to claim that it's a violation of her  
11 privacy. She is suing a doctor, saying the doctor  
12 committed malpractice. She must turn over these  
13 records. If she does not want to turn over these  
14 records, then she should not bring the lawsuit.

15 MS. LEE: Your Honor, as we said, she  
16 provided all medical records, everything.

17 THE COURT: No, she did not. She did not.

18 MS. LEE: Your Honor, the only --

19 THE COURT: She did not provide all the  
20 medical records. There are ultrasound records provided  
21 but there is no operative report talking about the  
22 procedure.

23 MS. LEE: That does not have -- the  
24 plaintiff has not had that. Whatever the doctor  
25 provided -- the plaintiff provided authorization to

1 defendant. Then the defendant can get it.

2 THE COURT: Let me raise another issue. Let  
3 me raise another issue. There are three open motions.  
4 There's the motion to compel and there is also your  
5 request, Ms. Lee, for a settlement conference.

6 MS. LEE: Yes.

7 THE COURT: Have you tried to talk to Ms.  
8 Newman about settling the case?

9 MS. LEE: Yes. We sent the settlement  
10 demand on 2/20/2021. However, defense counsel has  
11 never responded to that settlement demand at all.

12 THE COURT: Ms. Newman?

13 MS. LEE: Then after that --

14 THE COURT: Ms. Newman?

15 MS. NEWMAN: That's untrue, your Honor. I  
16 have an email responding to her settlement demand,  
17 which by the way never included an amount, just a  
18 demand that we attend a settlement conference, to which  
19 the response was, we still need this discovery from  
20 you. We need clarification of the interrogatory  
21 responses, the medical records, we need to corroborate  
22 all of the claims and damages alleged in the complaint.  
23 I mean, we are focusing on the most important records  
24 here, which are the subsequent abortion records and the  
25 prior records.

1 Overall, she's claiming that she had other  
2 injuries, which there's no proof of. I've received  
3 nothing to show that she had ongoing complaints of pain  
4 and bleeding or that she suffered lost earnings, which  
5 are claimed in the case. So yes, I did respond to that  
6 email and said, we don't have the discovery we need to  
7 even talk about that at this point in time.

8 THE COURT: Let me say, Ms. Lee, you are not  
9 helping your client because, again, the defendants made  
10 the issue known to me back in December. Again, they're  
11 making the issue known to me now. They're saying that  
12 you did not adequately respond to the interrogatories  
13 or to the demand for production of documents. So I  
14 have to say to you I don't understand what it is you  
15 think is going to happen here but, Ms. Lee, I'm  
16 granting the defendant's motion to compel the  
17 discovery.

18 I'm going to give you a chance -- because I  
19 do accept that certain of these records from Korea may  
20 not be known to plaintiff. I accept that if she had an  
21 abortion many years ago, she may not know the  
22 providers. That being said, if there is information  
23 from her insurer, she must turn that over. Ms. Lee --

24 MS. LEE: Yes, your Honor.

25 THE COURT: The Court is ordering you to

1 turn over that information, and I will limit it so that  
2 it's not for her entire life. But she says that these  
3 events happened in 2017, so I'll say that it has to go  
4 back to 2010. 2010.

5 MS. LEE: Yes.

6 THE COURT: So she must turn over the  
7 information about her insurer, and the defendants can  
8 try to get the information from the insurer. Also, if  
9 there is a claim for lost earnings, she must support  
10 those claims. And last, it says that plaintiff has not  
11 provided any experts. In a malpractice case, you need  
12 expert discovery. There is no way that you could prove  
13 malpractice unless you have an expert.

14 So I am going to give you until the deadline  
15 that has been extended to turn over these things. So  
16 you have now until September 30<sup>th</sup> to turn over any lost  
17 earnings, so any records that support claims for lost  
18 earnings, who your expert is going to be and any expert  
19 report, and any collateral source information going  
20 back to 2010. So that request for a motion to compel  
21 is granted, and your motion for a settlement conference  
22 is denied without prejudice. You need to speak to Ms.  
23 Newman about precise numbers, about what your client's  
24 claims are. She cannot have a settlement conference  
25 without there being demands that have been talked



1 about. I'm not going to schedule a conference unless  
2 you and Ms. Newman start talking between your clients  
3 and yourselves.

4 MS. LEE: Your Honor, I want to ask  
5 defendant, why didn't you respond to plaintiff's demand  
6 for admissions and interrogatories? Your Honor --

7 THE COURT: Again, I am not orally accepting  
8 a motion at this time. Ms. Lee, it is not proper in a  
9 case where you were able to respond and you did not say  
10 anything in your response regarding missing discovery.  
11 Again, I am not going to accept that you are raising  
12 that now. I'm telling you that you have -- and this  
13 all has to be done -- so September 30<sup>th</sup> is the deadline  
14 to complete all discovery so I'll give you thirty days  
15 from today to get everything that I've discussed with  
16 you.

17 So by September 10<sup>th</sup>, 9/10/21, plaintiff must  
18 produce the information that the Court has specified,  
19 anything to support her claim for lost earnings,  
20 anything regarding expert discovery, and her  
21 authorization regarding collateral source information  
22 from her insurers with the names of the insurers, all  
23 of that by September 10<sup>th</sup>. And I am warning you that  
24 your client can be subject to sanctions, which could be  
25 as severe as dismissal of the case, if she fails to

1 comply.

2 MS. LEE: I understand, your Honor. Your  
3 Honor, plaintiff provided all authorizations. Then  
4 what else should plaintiff provide, copies of the  
5 medical records? That's defendant's responsibility,  
6 not us. Plaintiff only provides authorizations,  
7 including insurance records.

8 THE COURT: Ms. Lee, Ms. Lee.

9 MS. LEE: Yes.

10 THE COURT: You're making the same argument  
11 that you've already made. They have said that they  
12 never got an operative report for the abortion that  
13 you're saying she was required to have because Dr. Kim  
14 did not properly perform the abortion. They say they  
15 got a one-page sheet that could have been written by  
16 anybody, in Korean, that it was not an operative  
17 report.

18 Did it have any letterhead or name of a  
19 physician on it, Ms. Newman?

20 MS. NEWMAN: I can't honestly speak to  
21 whether or not there was letterhead or the name of a  
22 physician because the version I received from the  
23 translator just has different boxes of medical  
24 categories, most of which are left blank. I honestly  
25 don't know because I don't know if that would have been

1 translated, if they translate letterhead or not. I  
2 don't know.

3 THE COURT: Well, you're going to need to  
4 confer with Ms. Lee on that.

5 MS. NEWMAN: Okay.

6 THE COURT: Again, Ms. Newman, I've granted  
7 your motion to compel. I've given them until September  
8 10<sup>th</sup>. The deadline for discovery has already been  
9 extended to September 30<sup>th</sup>. Have you conducted a  
10 deposition of the plaintiff?

11 MS. NEWMAN: No, your Honor, because I was  
12 hoping to have these records before deposing her.

13 THE COURT: But it looks like that might not  
14 be possible, so you need to move forward if you're  
15 going to plan to depose plaintiff.

16 MS. NEWMAN: Okay.

17 THE COURT: Because getting records from an  
18 insurer in Korea by September seems somewhat unlikely,  
19 but you can certainly ask the questions that you need  
20 to ask. If she doesn't remember things that go back  
21 ten years, that might be reasonable, but if she doesn't  
22 remember things that happened around the time that  
23 she's saying that Dr. Kim failed to live up to his  
24 obligations, that's something that would be relevant in  
25 any transcript.

1 MS. NEWMAN: Okay.

2 THE COURT: That's the same for you, Ms.  
3 Lee. If you're intending to depose Dr. Kim, you'd  
4 better get that scheduled.

5 MS. LEE: Yes, your Honor. Should the  
6 plaintiff send a letter motion to compel defendants?

7 THE COURT: No, absolutely not.

8 MS. LEE: Your Honor --

9 THE COURT: Again, Ms. Lee, you seem to  
10 think that this is your time to complain about what  
11 defendants have failed to do, and yet I had conferences  
12 with you going back to December. That was their  
13 conference to say that they didn't get what they  
14 needed. I already extended the deadline for the  
15 parties to complete discovery. Still, you never said  
16 anything about what you didn't get. So no, now is your  
17 time to schedule the deposition. If you intend to  
18 depose Dr. Kim, now is the time to schedule that with  
19 Ms. Newman. Do you understand me?

20 MS. LEE: Yes, your Honor. We demanded the  
21 admissions and interrogatories back February 9, 2021.  
22 But defense counsel --

23 THE COURT: Ms. Lee, Ms. Lee, did you hear  
24 what I said, that if you plan to depose the doctor who  
25 is the defendant, you need to arrange for that now. It

1 should be conducted remotely. Same thing for your  
2 client who is in Korea, it should be done remotely.  
3 And you need to make that arrangement so you complete  
4 those depositions by September 30<sup>th</sup>. Do you understand  
5 me, Ms. Lee?

6 MS. LEE: Yes, your Honor. Then one  
7 question, your Honor. Can we depose the defendant  
8 first?

9 THE COURT: There is no firstness in federal  
10 court. I am not going to govern who deposes who first.  
11 I am going to tell you, Ms. Lee, that you need to make  
12 this case move. I am not going to extend discovery and  
13 your client must make herself available for deposition  
14 by defendant's counsel in advance of the deadline. Do  
15 you understand?

16 MS. LEE: Yes, your Honor.

17 THE COURT: Okay.

18 MS. NEWMAN: I do believe we did talk about  
19 priority, though, when the case was filed. I  
20 understand that that doesn't exist in federal court but  
21 I'm already agreeing to take a deposition with very  
22 limited records. I do think I'm entitled to take a  
23 deposition of her client, who has produced very little  
24 documentary evidence in support of the claims, before  
25 my client, who has patiently waited for the resolution

1 of this case since it was filed.

2 THE COURT: Ms. Newman, get your notice to  
3 Ms. Lee. Again, I don't expect to hear again from the  
4 parties saying that they can't get this scheduled.

5 It is something difficult because one person  
6 is in Korea, but I am not letting you hold this up, Ms.  
7 Lee. They have the right to depose your client. Even  
8 without all the records, that should be something that  
9 happens. That way, we can at least lock her into  
10 whatever the claim is about. If you don't produce lost  
11 earnings records, then there's not going to be any  
12 claim for lost earnings. Do you understand me, Ms.  
13 Lee?

14 MS. LEE: Yes, your Honor. However, the New  
15 York Workers Compensation Act -- in that case, they  
16 applied the minimum --

17 THE COURT: I'm sorry, Ms. Lee. Workers  
18 compensation won't apply for this case.

19 MS. LEE: The minimum rate would apply.

20 THE COURT: Ms. Lee, Ms. Lee, workers  
21 compensation won't apply to this case. If you don't  
22 produce records or lost earnings and there's no  
23 testimony that supports that she was employed and lost  
24 earnings because of Dr. Kim, you will not be able to  
25 rely on workers comp. Do you understand me?

1 MS. LEE: Then what -- I understand, your  
2 Honor. However, then the plaintiff can submit her  
3 affidavit saying she wasn't able to work due to the  
4 failure of the abortion.

5 THE COURT: Let her turn over records and  
6 let her testimony say where she worked and how much she  
7 earned and how long she was out of work because of  
8 this. If there isn't documents or testimony to support  
9 it, there is no lost earning claim.

10 Anything else that needs to be addressed,  
11 Ms. Lee? I've granted defendant's motion to compel.  
12 I've given you until September 10<sup>th</sup> to turn over the  
13 records. They will be specified in my order. Is there  
14 anything else that needs to be addressed?

15 Hearing nothing, is there anything else, Ms.  
16 Newman, that needs to be addressed?

17 MS. NEWMAN: No, thank you. I thought your  
18 question was to Ms. Lee.

19 THE COURT: I did but she didn't answer my  
20 question.

21 MS. NEWMAN: Nothing on our end, your Honor,  
22 thank you.

23 THE COURT: Ms. Lee, last chance. Anything  
24 else you want to raise before we get off the line?

25 MS. LEE: Yes, your Honor, just to specify

1 -- specify up to 2010, then it's abortion records only.

2 THE COURT: No, it was the insurance records  
3 to 2010.

4 MS. LEE: Yes, insurance records. Your  
5 Honor, that means plaintiff provides authorization or  
6 (ui) the insurance record?

7 THE COURT: Again, if she has insurance  
8 records going back to 2010, she should produce them.

9 MS. LEE: She doesn't have it. That's why  
10 she provided --

11 THE COURT: Then she has to sign an  
12 authorization for her insurance records to be given to  
13 Ms. Newman.

14 MS. LEE: Yes, she did.

15 THE COURT: Ms. Lee, I don't think you're  
16 understanding the Court. I really don't think you're  
17 understanding because --

18 MS. LEE: Your Honor --

19 THE COURT: -- your client brought this case  
20 and you just keep repeating that she's given  
21 everything.

22 MS. LEE: No, your Honor --

23 THE COURT: I am granting their motion to  
24 compel, which will require you to turn over records and  
25 respond to their interrogatories by September 10<sup>th</sup>. You



1 should complete all depositions in this case by  
2 September 30<sup>th</sup>.

3 With that, we are adjourned. Thank you.

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18 I certify that the foregoing is a correct  
19 transcript from the electronic sound recording of the  
20 proceedings in the above-entitled matter.  
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25 ELIZABETH BARRON

August 19, 2021